

## Article - Public Utilities

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§21–205.

(a) (1) The Commission’s right to enter and take possession of land or an interest in land under this subtitle takes effect immediately after the filing of a written declaration of taking in the Circuit Court for Prince George’s County, accompanied by payment of the estimated fair market value of the land or interest in land, as required under § 21–206(a) of this subtitle.

(2) A declaration of taking may be:

(i) combined with a petition for condemnation, filed simultaneously with or as part of the same pleading; or

(ii) filed after a petition for condemnation.

(b) A declaration of taking shall:

(1) include a statement as to the number of takings in land or interest in land necessary for the extension or construction of the water supply, sanitary sewer, or stormwater management project;

(2) include a statement that the Commission has acquired or is acquiring by purchase or procedures other than the declaration of taking method at least one-half of the takings needed for the extension or construction of the project;

(3) contain a description of the land or interest in land being taken;

(4) name the Commission as plaintiff and the owner of the land or interest in land as defendant;

(5) be docketed by the clerk of the circuit court, unless the petition for condemnation is on file or filed simultaneously with the declaration of taking; and

(6) identify the qualified appraiser and specify the estimated fair market value of the land or interest in land being taken, as required by § 21–206(a) of this subtitle.

(c) Notice of and service on the property owner of a declaration of taking shall be accomplished in the same manner as is required for petitions for condemnation.

(d) If the Commission files the declaration of taking accompanied by the payment of the estimated fair market value required under § 21–206(a) of this subtitle, the date of filing shall be the operative date of the taking to determine:

- (1) the fair market value of the land or interest in land taken; and
- (2) damages, if any, caused by the taking.

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